



U.S. ARMY

Western Review

of Legislative & Regulatory Actions

Region 8

The U.S. Army Regional Environmental & Energy Office

April 2019

The Region 8 *Western Review* publishes environmental and energy related developments for DOD/Army leaders and installation staff. Covering the six states in Federal Region 8, the *Western Review* gives early notice of legislative and regulatory activities relevant to DOD interests. For installations that implement an environmental management system in accordance with ISO 14001 specifications, the content of the *Review* may help them identify emerging requirements.

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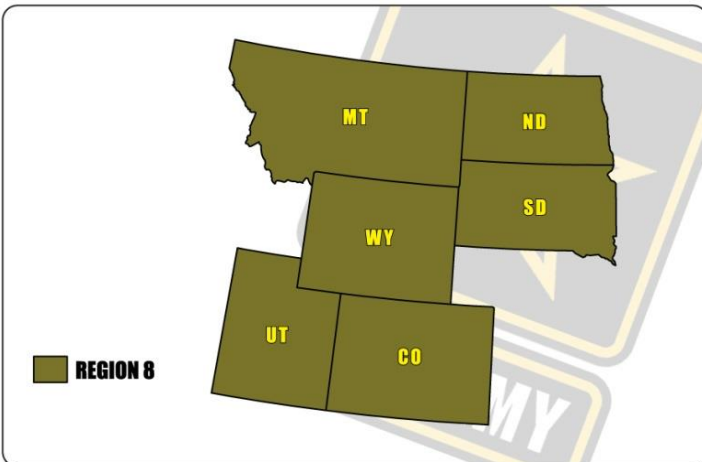


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2019 ARMY POSTURE STATEMENT

The Army Posture Statement is the Secretary of the Army and the Chief of Staff of the Army's written testimony to Congress on the state of the U.S. Army. The statement describes where the Army is and what the Army has done over the last year to support the National Defense Strategy.

The [2019 Army Posture Statement](#) explains the Army's budgetary needs to maintain its readiness, modernization, and reform initiatives in fiscal year 2020. It describes major elements of Army support to the Joint Force, ongoing modernization investments, and business reforms.

The Army has taken several measures to implement the National Defense Strategy:

- Readiness—Increased Army readiness and lethality by improving and expanding training, and by reorganizing to meet the challenges of great power competition.
- Modernization—Modernizing Army doctrine, equipment, and formations to extend its overmatch against near-peer competitors and adversaries as the character of war changes.
- Reform—Improving stewardship of taxpayer dollars by reforming its business practices to save money and reinvesting those savings into the Army modernization priorities.
- Allies and Partners—Strengthening America's network of allies and partners through combined training and security cooperation to build interoperability and trust.
- People and Values—Ensuring Soldiers and units are resilient and ready for combat while ensuring Army Families have what they need at home to thrive.

The Army Posture Statement reflects the Army Vision and the Army Strategy, providing a short-term waypoint to the Army of 2028. Both the Vision and the Strategy are part of The Army Plan, which is how the U.S. Army meets its obligations under Title 10 of the United States Code.

Region 8

For more information or to comment on any state issues in Region 8, contact [Julia Miller](#), Region 8 Program Coordinator (303) 844-0952.



WASTE

HAZARDOUS WASTE GENERATOR IMPROVEMENTS RULE. The Colorado Department of Public Health and Environment (CDPHE) adopted [amendments](#) to the state version of the federal Hazardous Waste Generator Improvements Rule. The rulemaking corrects technical errors and inadvertent omissions in the May 2018 rule. The final rule is effective 14 APR 19. To view the final rule amendments, click [here](#).

E-MANIFEST USER FEES. CDPHE adopted [amendments](#) to the [Hazardous Waste Electronic Manifest User Fee](#) rule. The rule establishes the methodology that the U.S. Environmental Protection Agency (EPA) will use to determine and revise e-manifest user fees. The rulemaking amends Title 6 Colorado Code of Regulation (CCR) Section 1007-3 Part 260. The [final rule](#) was published 25 MAR 19.

USED OIL. CDPHE adopted [amendments](#) to state standards for the management of used oil. The revisions address management of used oil contaminated with polychlorinated biphenyls (PCBs) and clarify that the state intends to require very small quantity generators that generate mixtures of used oil and listed hazardous waste to comply with the same requirements as large and small quantity generators. In this rulemaking, the state stated its intent to be more stringent than the federal rule for mixtures of used oil and PCBs or other listed hazardous waste generated by very small quantity generators. The [final rule](#) is effective 14 APR 19.

WASTE TIRE FACILITIES. The Colorado Department of Public Safety adopted [updates](#) to Uniform Standards and Minimum Fire and Life Safety Requirements for Waste Tire Facilities, 8 CCR 1507-53. The amendments make changes to adopted references, update the name of the Division of Fire Prevention and Control, and add a new article related to inquiries. The [final rule](#) was effective 30 MAR 19.

WATER

ABOVE AND UNDERGROUND STORAGE TANKS. The Colorado Department of Labor and Employment adopted [amendments](#) to regulations for above and underground storage tanks, 7 CCR 1101-14. Amendments to Article 3 Section 3-1(b) of the [final rule](#) excludes aboveground storage tanks owned and operated by the federal government from the rule requirements. (These aboveground storage tanks would remain subject to applicable EPA requirements.) Other amendments make corrections to financial responsibility exemptions; update citations for referenced codes and standards; update requirements for underground storage tank installers and service technicians; update requirements for installations and periodic inspections; update release reporting requirements; and address reimbursement of costs associated with certain underground storage tank removals. The [final rules](#) are effective 17 MAR 19.

REGULATION 41, TRIENNIAL REVIEW. CDPHE [requested public comment](#) on whether Regulation 41, Basic Standards for Groundwater, should be continued in its current form, repealed, or changed and if so, in what respect. The rulemaking fulfills state requirements for triennial review of control regulations. Comments are due 1 MAY 19. A public hearing is scheduled for 13 MAY 19.

REGULATION 42, TRIENNIAL REVIEW. CDPHE [requested public comment](#) on whether Regulation 42, Site-Specific Water Quality Classifications and Standards for Groundwater, should be continued in its current form, repealed, or changed and if so, in what respect. The rulemaking fulfills state requirements for triennial review of control regulations. Comments are due 1 MAY 19. A public hearing is scheduled for 13 MAY 19.

LEGISLATIVE SESSION: 9 JAN 19 THROUGH 10 MAY 19

An * indicates the first time a bill appears in the 2019 *Western Review*.

<i>Colorado Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR/CLIMATE CHANGE				
* HB 1261 <i>Representative KC Becker (D)</i> Establishes Colorado statewide goals to reduce 2025 greenhouse gas emissions by at least 26 percent, 2030 greenhouse gas emissions by at least 50 percent, and 2050 greenhouse gas emissions by at least 90 percent of the levels of greenhouse gas emissions that existed in 2005.	✓			
SB 96 <i>Senator Kerry Donovan (D)</i> Requires the Department of Public Health and Environment to collect greenhouse gas emissions data from greenhouse gas-emitting entities; report on the data, including a forecast of future emissions; and propose a draft rule to address the emissions by 1 JUL 20.	✓			
ENERGY				
HB 1003 <i>Representative Chris Hansen (D)</i> Community Solar Gardens Modernization Act. Increases the maximum size of a community solar garden from 2 to 10 megawatts and removes a restriction on its physical location.	✓			
* HB 1260 <i>Representative Cathy Kipp (D)</i> Requires local jurisdictions to adopt one of the three most recent versions of the international energy conservation code when updating any other building code, and encourages local jurisdictions to update the Colorado Energy Office on any changes to the jurisdictions' building and energy codes.	✓			
LAND USE				
NATURAL RESOURCES				
HB 1091 <i>Representative Kimmi Lewis (R)</i> Addresses conservation easement transparency. Requires a property owner, prior to creating a conservation easement, to sign a disclosure form acknowledging certain specified consequences and risks of creating the easement on his or her land. Requires the Department of Agriculture to develop a database of conservation easements in the state.	✓			Died

<i>Colorado Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
<p>*HB 1264 <i>Representative Dylan Roberts (D)</i> Addresses conservation easements, associated tax credits, extinguishment, and merger. Extends the existing conservation easement program, which is set to expire in 2019, to 1 JUL 26.</p>	✓			
OTHER				
<p>*HB 1279 <i>Representative Thomas Exum (D)</i> Enacts the Firefighting Foams Control Act. Beginning 2 AUG 19, prohibits the use of class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS) for training purposes and creates a civil penalty for doing so. Beginning 2 AUG 21, prohibits a manufacturer from selling or distributing firefighting foam to which PFAS chemicals have been added.</p>	✓			
WASTE				
<p>*SB 198 <i>Senator Nancy J. Todd (D)</i> Addresses waste tires. Increases the new tire fee and provides funding and strengthens requirements to encourage and increase the processing of waste tires into tire-derived products or fuel.</p>	✓			
WATER				
<p>HB 1015 <i>Representative Jennifer James Arndt (D)</i> Creates the Colorado Water Institute. Authorizes the institute to develop, implement, and coordinate water research programs; operate an education center and statewide clearinghouse; and conduct research and policy analysis.</p>	✓	✓	✓	Enacted
<p>*HB 1218 <i>Representative Dylan Roberts (D)</i> Expands the Colorado Water Conservation Board's authority to use water that a water right owner voluntarily loans to the board for instream flow purposes.</p>	✓			
<p>*1271 <i>Representative Jennifer James Arndt (D)</i> Addresses augmentation of instream flows. Clarifies that the Colorado Water Conservation Board may augment stream flows to preserve or improve the natural environment to a reasonable degree by use of an acquired water right that has been previously quantified and changed to include augmentation use, without a further change of the water right being required.</p>	✓			
<p>*SB 212 <i>Senator Robert Rankin (R)</i> Concerns implementation of the state water plan. Creates the water plan implementation grant program. Specifies criteria for expenditures by the Colorado water conservation board for the program. Appropriates funds.</p>	✓			



AIR

MONTANA SIP—MISSOULA. EPA is proposing to approve the Limited Maintenance Plan (LMP) for the Missoula Moderate coarse particulate (PM₁₀) nonattainment area (NAA) and to concurrently redesignate the Missoula NAA to attainment of the 24-hour PM₁₀ National Ambient Air Quality Standards (NAAQS) ([84 FR 7846](#)). In order to approve the LMP and redesignation, EPA is proposing to determine that the Missoula NAA has attained the 1987 24-hour PM₁₀ NAAQS of 150 micrograms per cubic meter (µg/m³). Comments were due 4 APR 19.

LEGISLATIVE SESSION: 7 JAN 19 THROUGH 20 APR 19

<i>Montana Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR/CLIMATE CHANGE				
SB 190 <i>Senator Mike Phillips (D)</i> Establishes targets, reporting, and monitoring for carbon dioxide emissions.	✓			
ENERGY				
LAND USE				
NATURAL RESOURCES				
OTHER				
WASTE				
WATER				
HB 625 <i>Representative Bill Mercer (R)</i> Eliminates numeric nutrient standards from water quality regulations.	✓	✓		



MISCELLANEOUS

NORTH DAKOTA PROGRAM APPROVALS DELAYED. Due to unforeseen delays resulting from the lapse in appropriations for EPA, the agency’s final approvals concerning revisions to North Dakota’s environmental protection programs that have the effect of transferring authority from the North Dakota Department of Health to the newly created North Dakota Department of Environmental Quality are delayed until 30 APR 19 ([84 FR 8260](#)). This action delays the effective dates of four relevant rules published in the Federal Register: 1) approvals related to implementation plans and infrastructure requirements for NAAQS ([84 FR 1610](#)); 2) approval of state air pollution control rules, Title V Program revisions, and

delegation of authority related to Clean Air Act (CAA) Sections 111 and 112 ([84 FR 3108](#)); 3) approval of state hazardous waste program revisions ([83 FR 65101](#)); and 4) approval of state underground storage tank program revisions ([83 FR 65104](#)).

LEGISLATIVE SESSION: 3 JAN 19 THROUGH 26 APR 19

<i>North Dakota Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR/CLIMATE CHANGE				
ENERGY				
HB 1167 <i>Representative Jeffrey Magrum (R)</i> Addresses siting of wind turbines. Specifies the minimum distance a wind turbine can be located from a property line, unless a variance has been obtained.	✓			
HB 1238 <i>Representative Mark Owens (R)</i> Establishes a fee for alternative energy vehicles. Sets initial and annual registration fees for electric vehicles, or as an alternative, payment of a per mile fee, based on miles traveled.	✓	✓		died
SB 2261 <i>Senator Jessica K. Unruh (R)</i> Amends the North Dakota Energy Conservation and Transmission Facility Siting Act. Adds new sections that address mitigation of adverse direct and indirect environmental impacts of a proposed site, corridor, route, or facility.	✓	✓		
SB 2322 <i>Senator Merrill Piepkorn (D)</i> Addresses net metering. Requires electric companies to make net metering available to customers.	✓			died
LAND USE				
NATURAL RESOURCES				
OTHER				
SB 2107 <i>Energy and Natural Resources Committee</i> Addresses certification of environmental laboratories. Repeals and replaces existing rules. Transfers certification authority from the Department of Health to the Department of Environmental Quality.	✓	✓	✓	Enacted
WASTE				
SB 2109 <i>Energy and Natural Resources Committee</i> Addresses solid and hazardous waste management. Transfers responsibility for permitting to the Department of Environmental Quality. Clarifies certain permit requirements.	✓	✓	✓	
WATER				
HB 1086 <i>Energy and Natural Resources Committee</i> Revises the definition of waters of the state.	✓			died

<i>North Dakota Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
SB 2090 <i>Energy and Natural Resources Committee</i> Makes changes to water right permit regulations and fees.	✓	✓	✓	



No significant regulatory activity to report.

LEGISLATIVE SESSION: 8 JAN 19 THROUGH 29 MAR 19

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<i>South Dakota Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR/CLIMATE CHANGE				
ENERGY				
HB 1226 <i>Representative Lee Qualm (R)</i> Increases the distance that certain wind energy systems must be set back from surrounding property.	✓			Failed upon adjournment
LAND USE				
*SB 175 <i>Senate Committee on Appropriations</i> Provides matching funds under the federal Readiness and Environmental Protection Integration program, for use in helping to remove land-use conflicts affecting the long-term operations and effectiveness of Ellsworth Air Force Base.	✓	✓	✓	Enacted
NATURAL RESOURCES				
HB 1153 <i>Representative Peri Pourier (D)</i> Revises certain provisions on the protection of historic properties.	✓			Failed upon adjournment
HB 1221 <i>Representative John Lake (R)</i> Designates palmer amaranth as a prohibited noxious weed seed.	✓			Failed upon adjournment
OTHER				
SB 147 <i>Senator Arthur Rusch (R)</i> Revises certain restrictions regarding the application of pesticides. Applies to governmental and commercial pesticide applicators.	✓			Failed upon adjournment
WASTE				
WATER				

AIR

REGIONAL SULFUR DIOXIDE EMISSIONS AND MILESTONE REPORT. The Utah Department of Environmental Quality (UDEQ) released the [2017 Regional Sulfur Dioxide Emissions and Milestone Report](#) for public comment. The report, prepared by the Western Regional Air Partnership, documents the state’s progress toward reducing regional haze emissions in Class I visibility areas in accordance with Section 309 of the Federal Regional Haze rule.

WATER

WATER QUALITY STANDARDS. UDEQ [is considering](#) amendments to two regulations governing water quality standards in the state. The rulemaking would amend R317-1, Definitions and General Requirements; and R317-2, Standards of Quality for Waters of the State. The amendments would add nutrient criteria to headwater streams statewide, make changes to definitions, add total dissolved solids criteria for Silver Creek, add ammonia criteria for Jordan River, add drinking water use to Sheep Creek, and correct human health and the cadmium aquatic life criteria. A public hearing is scheduled for 1 MAY 19. Comments are due 3 MAY 19.

LEGISLATIVE SESSION: 28 JAN 19 THROUGH 14 MAR 19

An * indicates the first time a bill appears in the 2019 *Western Review*.

<i>Utah Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
AIR/CLIMATE CHANGE				
HB 139 <i>Representative Angela Romero (D)</i> Amends provisions related to violations of motor vehicle emission standards.	✓	✓	✓	Enacted
HB 304 <i>Representative Joel Briscoe (D)</i> Creates a tax on carbon dioxide emissions.	✓			Failed upon adjournment
ENERGY				
HB 411 <i>Representative Stephen Handy (R)</i> Enacts the Community Renewable Energy Act. Outlines the role and rulemaking authority of the Utah Public Service Commission in approving a community renewable energy program. Establishes procedures concerning rates, customer billing, and renewable energy resource acquisition.	✓	✓	✓	Enacted
HCR 2 <i>Representative Stephen Handy (R)</i> Supports the development of wind, solar, hydrogen, hydroelectric, and geothermal energy in rural areas of the state. Supports the export of Utah-produced wind, solar, hydrogen, hydroelectric, and geothermal energy to other states.	✓	✓	✓	Enacted
SB 24 <i>Senator Keith Grover (R)</i> Amends the state energy policy by promoting certain nuclear power generation technologies, energy development in certain areas, and energy education programs in grades K-12.	✓	✓	✓	Enacted

<i>Utah Bill Number, Sponsor, and Description</i>	<i>Bill Introduced</i>	<i>Passed 1st House</i>	<i>Passed 2nd House</i>	<i>Status</i>
LAND USE				
NATURAL RESOURCES				
HB 14 <i>Representative Steven Eliason (R)</i> Creates the State Monuments Act. Outlines the process for designating a state monument. Assigns responsibilities.	✓	✓	✓	Enacted
HB 155 <i>Representative Casey Snider (R)</i> Addresses management of wildland fires. Imposes permit requirements to conduct large prescribed fires, large prescribed pile fires, or a nonfull suppression event.	✓	✓	✓	Enacted
OTHER				
WASTE				
*SB 266 <i>Senator Daniel Hemmert (R)</i> Modifies regulations governing nonhazardous solid waste facilities. Specifies the conditions under which a facility may convert from a class I to class V facility. Addresses content of operations plans.	✓			Failed upon adjournment
WATER				
HB 31 <i>Representative Kim Coleman (R)</i> Regulates municipalities that provide water to customers outside respective political boundaries.	✓	✓	✓	Enacted
HB 32 <i>Representative Keven Stratton (R)</i> Amends provisions of Water Quality Board and state agency rulemaking procedures. Provides for review and legislative approval of certain Water Quality Board rules or standards. Requires certain agencies to submit proposed rules to an appropriations subcommittee and interim committee for review before the agency enacts the rules. Addresses development and implementation of total maximum daily loads.	✓	✓	✓	Enacted
HB 143 <i>Representative Suzanne Harrison (D)</i> Addresses water conservation plans. Requires water providers or conservation districts to specify actions to reduce per capita water use and provide cost estimates of the specified actions.	✓			Failed upon adjournment
HJR 1 <i>Representative Keven Stratton (R)</i> Amends the Utah Constitution to modify a provision relating to municipal water rights and sources of water supply.	✓	✓	✓	Enacted
SJR 1 <i>Senator Jani Iwamoto (D)</i> Addresses water banking. Requests recommendations on the development and creation of water banks to further the 2017 State Recommended Water Strategy.	✓	✓	✓	Enacted
SB 52 <i>Senator Jake Anderegg (R)</i> Addresses the metering of pressurized secondary water, or recycled water suitable for irrigation of landscaping or a garden.	✓	✓	✓	Enacted



AIR

AIR QUALITY STANDARDS AND REGULATIONS. The Wyoming Department of Environmental Quality (WDEQ) has [proposed](#) to incorporate by reference National Emission Standards for Hazardous Air Pollutants (NESHAP) for emissions from specific categories of new and existing sources. The rulemaking amends Wyoming Air Quality Standards and Regulations, Chapter 5, Section 3. A public hearing is scheduled for 15 APR 19. Comments are due the same day.

WYOMING TRIBES—TREATMENT IN A SIMILAR MANNER AS A STATE. EPA revised its 6 DEC 13 approval of an application submitted by the Northern Arapaho Tribe and Eastern Shoshone Tribe of the Wind River Indian Reservation for treatment in a similar manner as a state pursuant to the CAA, and EPA's implementing regulations for purposes of certain CAA provisions ([84 FR 7823](#)). This revision is in accordance with a decision of the United States Court of Appeals for the Tenth Circuit holding that a 1905 Congressional Act diminished the Wind River Indian Reservation. The revision was effective 25 FEB 19.

WATER

NONPOINT SOURCE PROGRAM ANNUAL REPORT. WDEQ [released](#) the 2018 Annual Report for the Wyoming Nonpoint Source Program. The program works through voluntary and incentive methods to preserve and restore the quality of Wyoming's surface and groundwater resources. To do this, the program relies on the voluntary implementation of nonpoint source pollution reduction projects by individual landowners, local groups, and other state, local, and federal government agencies in a cooperative effort to address water quality improvements on a watershed scale. Among the 2018 report's highlights are nonpoint source pollution challenges in Wyoming and actions taken to address those challenges, updated program metrics from 1999 to 2018, and the successful restoration of over 36 miles of the North Platte River. To view the interactive online report, click [here](#).

LEGISLATIVE SESSION: 8 JAN 19 THROUGH 28 FEB 19

Refer to the March 2019 edition of the *Western Review* for information about the 2019 legislative session (send an [email request](#) to receive a copy).

Federal Activity

AIR

REVIEW OF PRIMARY NATIONAL AMBIENT AIR QUALITY STANDARDS FOR SULFUR OXIDES. EPA has issued a final rule announcing that based on its review of the air quality criteria addressing human health effects and the primary NAAQS for sulfur oxides (SO_x), EPA is retaining the current standard, without revision ([84 FR 9866](#)). The final rule becomes effective 17 APR 19.

CLEAN AIR ACT CITIZEN SUIT—PROPOSED CONSENT DECREE. EPA issued notice of a proposed consent decree that would establish deadlines for EPA to review and revise if necessary the Furnaces and Bulk Gasoline NSPS at least every eight years; and to review and revise if necessary the Major Source Bulk Gasoline, Area Source Bulk Gasoline, Foundries, and Wood Preserving NESHAP no less often than every eight years under CAA section 112(d)(6) ([84 FR 7895](#)). The proposed consent decree would resolve a lawsuit filed by Our Children's Earth Foundation seeking to compel EPA to take action

under the CAA to review the existing New Source Performance Standards (NSPS) and NESHAP governing several source categories. Comments were due 4 APR 19

NEW EQUIVALENT METHOD FOR OZONE MEASUREMENT. EPA has designated one new equivalent method for measuring concentrations of ozone (O₃) in ambient air ([84 FR 11973](#)). The new equivalent method for O₃ is an automated method (analyzer) utilizing the measurement principle based on UV photometry. A list of all reference or equivalent methods previously designated by EPA is available [here](#).

ENERGY

ETHANOL-GASOLINE BLENDS. EPA has issued a proposed rule to allow gasoline blended with up to 15 percent ethanol (E15) to take advantage of the 1-psi Reid Vapor Pressure (RVP) waiver for the summer months. Historically, the waiver has been applied only to gasoline blended with 10 percent ethanol (E10) ([84 FR 10584](#)). Under the proposed rule, E15 could be sold year-round without additional RVP control, rather than just eight months of the year. EPA is also proposing regulatory changes to modify elements of the renewable identification number compliance system under the Renewable Fuel Standard program. A public hearing was held 29 MAR 19 and comments are due 29 APR 19. For more information, click [here](#).

WESTERN ENERGY CORRIDORS. The Bureau of Land Management (BLM), U.S. Forest Service (USFS), and U.S. Department of Energy (DOE) [announced](#) they have published draft energy corridor abstracts for their regional review of 59 energy corridors across BLM and USFS lands, in accordance with section 368 of the Energy Policy Act of 2005. The energy corridors are located in California, Idaho, Montana, Nevada, Oregon, Washington, and Wyoming. The purpose of the regional reviews is to examine new relevant information and stakeholder input on the section 368 energy corridors, including corridors of concern. Based on this information, the agencies identify potential revisions, deletions, or additions to the corridors and identify possible changes to the interagency operating procedures. Comments were due 8 APR 19.

HAZARDOUS MATERIAL

NEW MAILING STANDARDS FOR MAILPIECES CONTAINING LIQUIDS. The U.S. Postal Service has issued a final rule revising the Domestic Mail Manual, and 39 CFR Part 111, to clarify and supplement the mailing standards for mailpieces containing liquids ([84 FR 9716](#)). Current mailing standards require triple packaging only for “breakable” primary containers over four ounces. The revision requires mailers of all liquids in nonmetal containers and certain metal containers to provide triple packaging, including absorbent cushioning materials, sealed secondary packaging, and a strong outer mailing container. Breakable containers include those made of glass, plastic, porcelain, and earthenware. Metal containers with pull-tabs or friction-top closures, having a capacity of more than four fluid ounces, must be triple-packaged. The final rule became effective 28 MAR 19.

NATURAL RESOURCES

NATIONAL CONSERVATION PRACTICE STANDARDS. The Natural Resource Conservation Service will review the national conservation practice standards in the National Handbook of Conservation Practices and is requesting comments from the public about how to improve conservation practice standards ([84 FR 8663](#)). Comments are due 25 APR 19.

GREATER SAGE-GROUSE PLAN AMENDMENTS. BLM revised six resource management plans (RMPs) for the greater sage-grouse in California, Colorado, Idaho, Nevada, Oregon, Utah, and Wyoming. The RMPs guide conservation of greater sage-grouse habitat on BLM-managed lands. As part of the RMP amendment process, BLM prepared six environmental impact statements (EISs) that analyze the amendments to the 2015 RMPs. Records of Decision (RODs) for the EISs and RMP amendments were issued 15 MAR 19. The EISs, RODs, and RMP amendments are available [here](#).

S. 47 John D. Dingell, Jr. Conservation, Management, and Recreation Act. This bill addresses provisions regarding various programs, projects, activities, and studies for the management and conservation of natural resources on federal

lands, including multiple land withdrawals, conveyances, and boundary adjustments. The bill also provides for a desert tortoise conservation center, wildlife habitat and conservation, and endangered fish recovery programs. The bill became law 12 MAR 19.

THREATENED AND ENDANGERED SPECIES

GRAY WOLF. The U.S. Fish and Wildlife Service is proposing to remove the [gray wolf](#) (*Canis lupus*) from the List of Endangered and Threatened Wildlife ([84 FR 9648](#)). The gray wolf is currently listed as endangered (threatened in Minnesota) in the contiguous United States and Mexico. The proposed removal is based on recovery of the species. The proposed rule does not have any effect on the separate listing of the Mexican wolf (*Canis lupus baileyi*) as endangered. Comments are due 14 MAY 19.

TOXICS

HEXAVALENT CHROMIUM. EPA released the *Systematic Review Protocol for the Hexavalent Chromium (Cr(VI)) Integrated Risk Assessment Protocol (IRIS) Assessment* ([84 FR 9516](#)). The document communicates the rationale for conducting the assessment of Cr(VI), describes screening criteria to identify relevant literature, outlines the approach for evaluating study quality, and describes the process of evidence synthesis/integration and dose-response methods. The protocol includes the list of studies currently considered in the IRIS assessment. A public science webinar is scheduled for 24 APR 19. Comments on the IRIS assessment are due 29 APR 19. For more information about the Cr(VI) IRIS assessment, click [here](#).

CONSUMER SALE OF PAINT REMOVERS WITH METHYLENE CHLORIDE BANNED. EPA issued a final rule prohibiting the manufacture (including import), processing, and distribution of methylene chloride in all paint removers for consumer use ([84 FR 11420](#)). EPA has taken this action because of fatalities that have resulted from exposure to the chemical. Paint removal products containing methylene chloride may not be sold at any retail or distribution establishments that have consumer sales, including e-commerce sales. Those prohibitions start 180 days after the effective date of the final rule, which provides time for establishments selling this chemical to consumers to come into compliance with EPA's ban. EPA is also requiring manufacturers, processors, and distributors to notify retailers and others in their supply chains of the prohibitions and to keep basic records. In a related matter, EPA is also soliciting public input for a future rulemaking that could establish a training, certification, and limited access program for methylene chloride for commercial uses ([84 FR 11466](#)). EPA is asking for input on the key elements required for such a program; comments are due 28 MAY 19. The final rule becomes effective 28 MAY 19.

2017 TOXIC RELEASE INVENTORY. EPA has made available the 2017 Toxics Release Inventory data and analyses. EPA notes significant reductions in the 10 year period from 2007 to 2017, adding that "Almost every sector reduced its releases to air, with the largest reduction coming from the electric utilities sector." An executive summary, full report, and summary data are available [here](#).

SIGNIFICANT NEW USE RULES ON CERTAIN CHEMICAL SUBSTANCES. EPA has issued proposed significant new use rules under the Toxic Substances Control Act (TSCA) for 28 chemical substances that were the subject of premanufacture notices ([84 FR 9999](#)). The chemical substances are subject to consent orders issued by EPA pursuant to section 5(e) of TSCA. This action would require persons who intend to manufacture, import, or process any chemical substances for an activity that is proposed as a significant new use to notify EPA at least 90 days before commencing that activity. The required notification initiates EPA's evaluation of the intended use within the applicable review period. Persons may not commence manufacture, importing, or processing for the significant new use until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required with that determination. Comments are due 3 MAY 19.

INITIATION OF PRIORITIZATION UNDER TSCA. EPA, as required under TSCA and related implementing regulations, has initiated the prioritization process for 20 chemical substances as candidates for designation as High Priority Substances

for risk evaluation, and for 20 chemical substances as candidates for designation as Low Priority Substances for risk evaluation ([84 FR 10491](#)). The Federal Register notice provides the identity of the chemical substances being initiated for prioritization, a general explanation of why EPA chose these chemical substances, and information on the data sources EPA plans to use to support the designation. Comments are due 19 JUN 19.

GAO REPORT—TSCA ASSESSMENTS. The Government Accountability Office (GAO) issued the report, *Status of EPA's Efforts to Produce Assessments and Implement the Toxic Substances Control Act* ([GAO-19-270](#)). The report describes the extent to which EPA's IRIS program has addressed identified challenges and made progress toward producing chemical assessments, and implementing TSCA. GAO found that EPA made improvements in timeliness and transparency of its assessment process until May 2018, when progress stalled.

LITHIUM BATTERY AIR TRANSPORT. The Pipeline and Hazardous Materials Safety Administration issued an interim final rule (IFR) revising the Hazardous Materials Regulations for lithium cells and batteries transported by aircraft ([84 FR 80016](#)). The IFR prohibits the transport of lithium-ion cells and batteries as cargo on passenger aircraft; requires lithium-ion cells and batteries to be shipped at not more than a 30 percent state of charge aboard cargo-only aircraft when not packed with or contained in equipment; and limits the use of alternative provisions for small lithium cell or battery shipments to one package per consignment. The IFR does not restrict passengers or crew members from bringing personal items or electronic devices containing lithium cells or batteries aboard aircraft or restrict cargo-only aircraft from transporting lithium-ion cells or batteries at a state of charge exceeding 30 percent when packed with or contained in equipment or devices. The interim final rule was effective 6 MAR 19. Comments are due 6 MAY 19.

HR 535. The PFAS Action Act of 2019 would require EPA to designate per- and polyfluoroalkyl substances (PFAS) as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Introduced.

HR 7284. The PFAS Detection Act of 2018 would require the U.S. Geological Survey to perform a nationwide survey of perfluorinated compounds in estuaries, lakes, streams, springs, wells, wetlands, rivers, aquifers, air, and soil using a performance standard developed in accordance with the act. Introduced.

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LIQUIDS MANAGEMENT AT MUNICIPAL SOLID WASTE LANDFILLS—COMMENT PERIOD EXTENDED. In December 2018, EPA issued an [advance notice of proposed rulemaking](#) to solicit comment on potential revisions to the criteria for municipal solid waste landfills and associated issues related to advances in liquids management. The comment period has been extended to 10 MAY 19 ([84 FR 8496](#)).

Department of Defense Activity

SUPPLY CHAIN MATERIEL MANAGEMENT POLICY. [DOD Instruction \(DODI\) 4140.01](#), DOD Supply Chain Materiel Management Policy, was released effective 6 MAR 19. The DODI establishes policy and assigns responsibilities for management of materiel across the DOD supply chain.

REASSIGNMENT OF ARMY INSTALLATION MANAGEMENT COMMAND. Effective 1 MAR 19, Army Installation Management Command (IMCOM) together with its subordinate element (U.S. Army Environmental Command) authorities, responsibilities, personnel, and resources (including funding and equipment) is discontinued as a direct reporting unit to the Chief of Staff, Army, and is reassigned as a major subordinate command of U.S. Army Materiel Command ([GO 2019-13](#)).

Professional Development

US ARMY CORPS OF ENGINEERS PROSPECT TRAINING. USACE released the [FY 2020 PROSPECT](#) (Proponent-Sponsored Engineer Corps Training) program. Courses are open to federal, state, county, and city employees and contractors. There are different registration processes for each entity. Please refer to the [course catalog](#) and list of classes and schedule for details. Environmental courses include, but are not limited to:

- The RCRA Complete (Course Control Number (CCN) 226)
- Environmental Regulations Practical Application Course (CCN 398)
- CERCLA/RCRA Process (CCN 356)
- Hazardous Waste Manifesting & DOT Certification (CCN 223)
- Hazardous Waste Manifesting 16-Hour DOT Recertification Course (CCN 429)
- Radioactive Waste Transport (CCN 441)
- Hazardous/Toxic and Radioactive Waste Construction Inspection (CCN 141)
- Environmental Remediation Technologies (CCN 395)
- Environmental Laws and Regulations (CCN 170)

NAVY CIVIL ENGINEER CORPS OFFICERS SCHOOL TRAINING. The [Navy Civil Engineer Corps Officers School](#) (CECOS) offers training on environmental management, pollution prevention, environmental compliance, environmental conservation and planning, and environmental restoration. Energy course offerings include Leadership in Energy and Environmental Design, Energy Information Administration, and Energy Technology Information. Click [here](#) for information on course offerings and times. Courses offered by CECOS are available to all military and civilian employees of the U.S. government, free of charge. Travel costs are borne by the student.

AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING. The [Air Force Civil Engineer School](#) offers a variety of environmental management courses and seminars, including Interservice Environmental Education Review Board (ISEERB) offerings. Courses offered by the Civil Engineer School are available to all military and civilian employees of the U.S. government, free of charge. Travel costs are borne by the student.

FEDERAL TRAINING SOURCES

FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER (ONLINE). [FedCenter.gov](#) is the federal government's home for comprehensive environmental stewardship, compliance assistance, and professional development information. FedCenter.gov provides a wide variety of information, such as:

- Program development (e.g., environmental management systems, green procurement program);
- Federal and state regulatory requirements for various facility activities;
- Access to [environmental assistance](#);
- Access to free, [FedCenter-sponsored courses](#)
- Applicable laws and Executive Orders; and
- [Partnerships](#).

FedCenter also provides member assistance services such as collaboration tools for workgroups, environmental reporting tools, and daily newsletter and subscription services.

SERDP AND ESTCP WEBINAR SERIES (ONLINE). DOD's environmental research and development funding programs, the Strategic Environmental and Research and Development Program and the Environmental Security Technology Certification Program ([SERDP and ESTCP](#)), launched a [webinar series](#) to promote the transfer of innovative, cost-effective, and sustainable solutions developed using SERDP and ESTCP funding. Live webinars are offered every two weeks on Thursdays from 12:00 p.m. Eastern for 90 minutes. Most webinars feature two 30-minute presentations and interactive question and answer sessions on topics targeted for DOD and DOE audiences. Prior presentations are archived for viewing any time. Recently archived webinars are available on demand [here](#).

BIOBASED PRODUCT TRAINING SERIES (ONLINE). The U.S. Department of Agriculture (USDA) offers a series of [on-demand training modules](#) about biobased products and the BioPreferred® Program:

- [Fundamentals: Biobased Products and the BioPreferred® Program](#)
- [Contracting Officer Role in Contractor Reporting of Biobased Product Purchases](#)
- [BioPreferred® Training for USDA Acquisition Community](#)
- [From Awareness to Action: The BioPreferred® Federal Procurement Preference Program](#)
- [Products in Operations, Maintenance, and Cleaning](#)

EPA SUSTAINABLE MATERIALS MANAGEMENT ACADEMY (ONLINE). Learn about key issues, successful projects, and a variety of best management practices for creating waste management programs, from the series of [live and archived webinars](#). Building on the familiar concept of [Reduce, Reuse, Recycle](#), sustainable materials management is a systemic approach that seeks to reduce materials use and their associated environmental impacts over their entire life cycle, starting with extraction of natural resources and product design and ending with decisions on recycling or final disposal. The format is a formal presentation followed by a question and answer session.

SUSTAINABLE ACQUISITION FOR FEDERAL AGENCIES (ONLINE). The two-hour [course](#) provides staff involved in specifying and purchasing with a thorough introduction to compliance requirements, processes, and tools for procuring sustainable products and services. Participants will receive specific guidance in how to meet executive order and Federal Acquisition Regulation requirements and understand how sustainable acquisition benefits their agency, community, and the environment.

SUSTAINABLE ACQUISITION TRAINING RESOURCES (ONLINE). The interagency federal Sustainable Acquisition & Materials Management Practices Workgroup compiled a [spreadsheet](#) of sustainable-acquisition training resources developed or hosted by federal agencies that are available to government employees, businesses, and non-governmental organizations.

FEMP eTRAINING COURSES (ONLINE). The Federal Energy Management Program (FEMP) offers interactive, [eTraining courses](#) to help federal agencies develop core competencies and comply with energy efficiency, renewable energy, water management, and sustainability requirements. FEMP is partnering with the National Institute of Building Sciences' Whole Building Design Guide to host these comprehensive, FEMP-developed eTraining courses.

ENERGY STAR (ONLINE). EPA's [Energy Star program](#) helps identify and promote energy efficiency in products, homes, and buildings. EPA hosts a [webinar series](#) that covers a range of topics, from how to benchmark in Portfolio Manager to financing energy efficiency improvements to how to engage building occupants.

ITRC TRAINING (ONLINE). The Interstate Technology and Regulatory Council (ITRC) is a state-led coalition working with federal partners, industry, academia, and stakeholders to achieve regulatory acceptance of environmental technologies. In conjunction with EPA's Technology Innovation and Field Services Division, ITRC delivers [training courses](#) to reach a geographically dispersed audience of regulators, consultants, and other members of the environmental community. The training sessions last approximately two hours, cover technical and regulatory information specific to environmental technologies and innovative approaches, and are supported by consensus-based ITRC guidance

documents. The schedule of 2019 online training events can be viewed [here](#). Training is provided at no-cost to participants.

GENERAL CONFORMITY TRAINING MODULES (ONLINE). The General Conformity Rule ensures that the actions taken by federal agencies in nonattainment and maintenance areas do not interfere with a state's plans to meet national standards for air quality. EPA's [online conformity training program](#) covers all aspects of the rule and is divided into four modules.

CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES (ONLINE). This U.S. Geological Survey [webinar series](#) was developed to help those engaged in climate science research better understand the range of approaches for developing actionable science. Video recordings with closed captioning are made available one to two weeks after each presentation. Information on upcoming webinars is available from the BioClimate newsletter ([click](#) to subscribe).

NATIONAL CONSERVATION TRAINING CENTER WEBINAR SERIES (ONLINE). This [webinar series](#) is produced by a partnership between the National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service. Archived webinars are available [here](#).

COOPERATIVE FEDERALISM WEBINAR (ONLINE). The Environmental Council of the States (ECOS) released a [webinar](#), available on demand, highlighting ECOS' [paper](#) on Cooperative Federalism 2.0 and offering a deeper look into the EPA-state relationship.

MANAGING CLEANUP AT SITES IMPACTED BY 1,4-DIOXANE (ONLINE). This [webinar](#), hosted by SERDP and ESTCP, explains managing cleanup or restoration at sites impacted by 1,4-dioxane. The webinar includes presentations addressing natural attenuation and conceptual site modeling.

REPI WEBINAR SERIES FOR 2019. DOD's Readiness and Environmental Protection Integration (REPI) Program announced the [2019 REPI Webinar Series schedule](#). The webinars showcase best practices and lessons learned from REPI partnerships nationwide that support military missions and accelerate the pace of conservation. Unless otherwise noted, all webinars begin at 1:00 p.m. Eastern Time.

- 5 JUN 19: [Leveraging the New REPI Installation Resiliency Authority](#)
- 10 JUL 19: [How to Obtain Regulatory Relief for Endangered Species without Purchasing a Real Estate Interest](#)
- 28 AUG 19: [REPI and the National Defense Strategy: Rebuilding Readiness by Protecting Key Capabilities](#)
- 9 OCT 19: [Measuring Impacts: Developing Mission Benefit Metrics](#)
- 27 NOV 19: [REPI and the Farm Bill](#)
- 8 JAN 20: [How to Introduce Local Businesses into your REPI Partnership](#)

***AIR FORCE REGIONAL ENVIRONMENTAL SUMMITS.** The Air Force invites attendees to their Regional Environmental Restoration Summits to join the environmental restoration conversation with their regional EPA partners. Upcoming Air Force Summits are as follows:

- 22-23 MAY, Western Summit, Phoenix, Arizona
- 26-27 JUN, Central Summit, New Orleans, Louisiana
- 24-25 JUL, Eastern Summit, Chicago, Illinois

* indicates the first time a professional development opportunity appears in the *Review*.

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How the Regional Offices Work for You

The Army Regional Environmental and Energy Offices' close cooperation between the military and regional policymakers helps to resolve issues *before* they become laws and regulations.

The REEOs monitor proposed state environmental and energy laws and regulations for impacts to installation missions. When legislation or a regulation important to the Army or DOD is being developed, REEOs work with the other military Services to assure that DOD and Services' interests are represented.

To comment on items in the *Western Review*, please contact the Regional Environmental Coordinator listed at the top of each region's section.

To be added to the *Western Review* distribution list, email the [Regulatory Affairs Specialist](#).

